

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KENDRICK DANE SELLERS,

Plaintiff,

v.

SCHULTZ, et al.,

Defendants.

ORDER

Case No. 24-cv-81-wmc

Plaintiff Kendrick Dane Sellers has filed a proposed civil complaint and has requested leave to proceed without prepaying the filing fee. To evaluate plaintiff's request to proceed without prepayment, I must review a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(a)(2).

For this case to proceed, plaintiff must submit a certified trust fund account statement no later than February 26, 2024. If I find that plaintiff is indigent, I will calculate an initial partial payment of the filing fee that plaintiff must pay before the court can screen the complaint on the merits under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

Plaintiff also requests an order to use release account funds to pay for copies of the account statement. With the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Plaintiff cannot use the release account funds to pay the cost of copies, and so plaintiff's motion will be denied.

ORDER

IT IS ORDERED that:

1. Plaintiff Kendrick Dane Sellers's request for use of his release account funds to pay for copies in this case (Dkt. #6) is DENIED.
2. Plaintiff may have until February 26, 2024 to submit a certified trust fund account statement for the period beginning approximately August 6, 2023 and ending approximately February 5, 2024. If plaintiff fails to respond to this order by February 26, 2024, then I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be dismissed without prejudice to plaintiff refiling at a later date.

Entered this 5^h day of February, 2024.

BY THE COURT:

/s/
ANDREW R. WISEMAN
United States Magistrate Judge